

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERRY DRAKE VARNELL,

Defendant.

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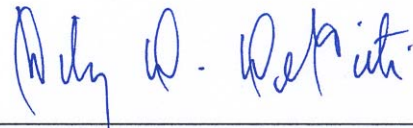
Case No. CR-17-239-D

ORDER

Before the Court is Defendant's Motion to Dismiss the Superseding Indictment for Outrageous Government Conduct and Brief in Support [Doc. No. 212]. The United States has responded in opposition [Doc. No. 218]. The Court will reserve ruling on Defendant's motion to dismiss until after the close of the government's case in chief. *See, e.g., United States v. Pedraza*, 27 F.3d 1515, 1520 (10th Cir. 1994) (the circuit did not criticize the trial court's procedure in reserving a ruling on the defendant's motion to dismiss until after the close of the government's case).

Accordingly, Defendant's Motion to Dismiss the Superseding Indictment for Outrageous Government Conduct and Brief in Support [Doc. No. 212] is RESERVED, as set forth herein.

IT IS SO ORDERED this 11th day of February 2019.



TIMOTHY D. DeGIUSTI
UNITED STATES DISTRICT JUDGE